

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

MAR 27 2019

MITCHELL R. ELFERS
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOEY UNKESTINE,

Defendant.

CRIMINAL NO. 19-949 WJ

Counts 1 and 2: 18 U.S.C. §§ 1153 and
1112: Involuntary Manslaughter;

Count 3: 18 U.S.C. § 1153(b) and N.M.
Stat. Ann. § 30-6-1 (2009): Child
Endangerment.

INDICTMENT

The Grand Jury charges:

Count 1

On or about October 18, 2018, in Indian Country, in McKinley County, in the District of New Mexico, the Defendant, **JOEY UNKESTINE**, an Indian, unlawfully killed Jane Doe, by operating a motor vehicle without due caution and circumspection and with a wanton and reckless disregard for human life when he knew or should have known that his conduct imperiled the lives of others, and while in the commission of an unlawful act not amounting to a felony, that is while: (1) violating New Mexico's statute prohibiting driving a vehicle under the influence of intoxicating liquor, N.M. Stat. Ann. § 66-8-102(A) (1978); (2) violating New Mexico's statute prohibiting driving a vehicle under the influence of any drug to a degree that renders the person incapable of safely driving a vehicle, N.M. Stat. Ann. § 66-8-102(B) (1978); and (3) violating New Mexico's statute prohibiting driving a vehicle should that person have an alcohol concentration of sixteen one hundredths or more in the person's blood within three hours of driving the vehicle and the alcohol concentration results from alcohol consumed before or while driving the vehicle, N.M. Stat. Ann. § 66-8-102(D)(1).

In violation of 18 U.S.C. §§ 1153 and 1112.

Count 2

On or about October 18, 2018, in Indian Country, in McKinley County, in the District of New Mexico, the Defendant, **JOEY UNKESTINE**, an Indian, unlawfully killed John Doe 1, by operating a motor vehicle without due caution and circumspection and with a wanton and reckless disregard for human life when he knew or should have known that his conduct imperiled the lives of others, and while in the commission of an unlawful act not amounting to a felony, that is while: (1) violating New Mexico's statute prohibiting driving a vehicle under the influence of intoxicating liquor, N.M. Stat. Ann. § 66-8-102(A) (1978); (2) violating New Mexico's statute prohibiting driving a vehicle under the influence of any drug to a degree that renders the person incapable of safely driving a vehicle, N.M. Stat. Ann. § 66-8-102(B) (1978); and (3) violating New Mexico's statute prohibiting driving a vehicle should that person have an alcohol concentration of sixteen one hundredths or more in the person's blood within three hours of driving the vehicle and the alcohol concentration results from alcohol consumed before or while driving the vehicle, N.M. Stat. Ann. § 66-8-102(D)(1).

In violation of 18 U.S.C. §§ 1153 and 1112.

Count 3

On or about October 18, 2018, in Indian Country, in McKinley County, in the District of New Mexico, the defendant, **JOEY UNKESTINE**, an Indian, negligently and without justifiable cause, operated a motor vehicle while under the influence of alcohol, causing John Doe 2, a minor child, to be placed in a situation that may have endangered the life and health of John Doe 2.

In violation of 18 U.S.C. § 1153(b) and N.M. Stat. Ann. § 30-6-1 (2009).

A TRUE BILL:

/s/
FOREPERSON OF THE GRAND JURY



Assistant United States Attorney

3/18/2019 11:01 AM